# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

GAVRIELI BRANDS LLC, a California	)	
Limited Liability Company,	)	
	)	
Plaintiff,	)	
V.	)	C.A. No. 18-462 (MN)
	)	
SOTO MASSINI (USA) CORP., a Delaware	)	
corporation and THOMAS PICHLER, an	)	•
individual,	)	
	)	
Defendants.	)	

**VERDICT FORM** 

### INFRINGEMENT OF THE PATENTS-IN-SUIT

Question #1: Did Tieks prove by a preponderance of the evidence that the Soto Massini

Defendants infringed the patents-in-suit listed below?

	Yes (for Tieks)	No (for the Soto Massini
	/	Defendants)
The '035 Patent:		
The '032 Patent:		
The '034 Patent:		
The '927 Patent:		PARAMETER STATE OF THE STATE OF

## VALIDITY OF THE PATENTS-IN-SUIT

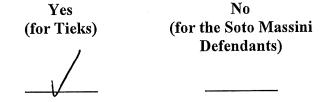
Question #3: Did the Soto Massini Defendants prove by clear and convincing evidence that any of the patents-in-suit are invalidated by the prior art you were instructed to consider?

	Yes (for the Soto Massini Defendants)	No (for Tieks)
Th. 1025 D. 44.		
The '035 Patent:	Production of the Production o	
The '032 Patent:		
The '034 Patent:		
The '927 Patent:		

#### **FALSE ADVERTISING**

Question #6: Did Tieks prove by a preponderance of the evidence that the Soto Massini

Defendants are liable for false advertising?



If you answered "Yes" to Question #6, you must answer Question #7. If you answered "No" to Question #6, you should skip this question and proceed to Question #8.

Question #7: Did Tieks prove by a preponderance of the evidence that the Soto Massini

Defendants intentionally engaged in false advertising?

Yes	No
(for Tieks)	(for the Soto Massini
· /	Defendants)
/	
V	

### **UNJUST ENRICHMENT**

Question #8: Did Tieks prove by a preponderance of the evidence that the Soto Massini

Defendants have been unjustly enriched?

Yes No
(for Tieks) (for the Soto Massini
Defendants)

## COMPENSATORY DAMAGES FOR TRADE DRESS, FALSE ADVERTISING, UNFAIR COMPETITION, AND UNJUST ENRICHMENT

If you answered "Yes" to Question #4 (trade dress infringement) or Question #6 (false advertising liability), you must answer Questions #10 through #12. If you answered "No" to Questions #4 and #6, you should skip these questions and proceed to Question #13.

Question #10: What amount of damages is Tieks entitled to as compensation for loss of goodwill caused by the Soto Massini Defendants' trade dress infringement, false advertising, or unfair competition?

Answer: \$ 1,282,000.00/100

Question #11: What amount of damages is Tieks entitled to as compensation for corrective advertising required to correct any public confusion caused by the Soto Massini Defendants' trade dress infringement, false advertising, or unfair competition?

Question #12: What amount, if any, did the Soto Massini Defendants earn in profits that is attributable to their trade dress infringement, false advertising, or unfair competition?

Answer: \$ 880, 658, cb/100

#### **PUNITIVE DAMAGES**

If you answered "Yes" to Question #5, finding that the Soto Massini Defendants intentionally infringed Tieks's trade dress and violated state unfair competition law, or Question #7, finding that the Soto Massini Defendants intentionally engaged in false advertising and violated state unfair competition law, you must answer Question #14. If you answered "No" to Questions #5 and #7, you should skip this question.

Question #14: What amount of punitive damages, if any, do you award Tieks?

Answer: \$
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